

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Dakota West Credit Union,

Plaintiff,

vs.

CUMIS Insurance Society, Inc.,

~~d/b/a CUNA Mutual Group,~~

Defendant.

Civil No. _____

SUMMONS

THE STATE OF NORTH DAKOTA TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to appear and defend against the Complaint in this action, which is herewith served upon you, by serving upon the undersigned an Answer or other proper response within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Dated this 7th day of February, 2007.

MALCOLM H. BROWN, P.C.

Attorney for Plaintiff

209 East Broadway Avenue

P.O. Box 2692

Bismarck, ND 58502-2692

Tel. 701-224-8825

Fax. 701-224-8820

By: 

Malcolm H. Brown (ID #02842)

IV.

On or about April 15, 2005, Plaintiff advanced funds to an entity known as "H & J Livestock, LLC" in the amount of \$950,000. Plaintiff advanced funds in reliance on a faxed copy of a "Buyer's Bill" provided to Plaintiff by a principal of H & J Livestock, LLC. The Buyer's Bill purported to state that H & J Livestock, LLC had purchased 1,276 steers from Lake Region Livestock in Devils Lake, North Dakota, having a total purchase price of \$950,023.73.

V.

Plaintiff later determined that the Buyer's Bill was counterfeit or forged, had not been authorized or issued by Lake Region Livestock and that in fact H & J Livestock, LLC did not purchase 1,276 steers from Lake Region Livestock on or about April 15, 2005. Notwithstanding that fact, H & J Livestock, LLC did issue a check to Lake Region Livestock in the amount of \$950,023.73, and on or about the same day, Lake Region Livestock issued two checks to an entity known as "Horob Livestock", each in the amount of \$390,533.46.

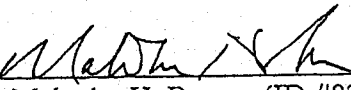
VI.

In full compliance with the subject policy of insurance, Plaintiff submitted a Proof of Loss to the Defendant, and Defendant, on or about January 16, 2007, denied coverage for Plaintiff's loss. Plaintiff alleges that the loss it suffered by reason of the issuance by the advancement of funds to H & J Livestock, LLC was based on a counterfeit document of title, or a forged instrument, namely, the Buyer's Bill allegedly issued by Lake Region Livestock.

WHEREFORE, Plaintiff prays that the Court declare that the loss suffered by Plaintiff on or about April 15, 2005 is a covered loss under its policy of insurance with the Defendant, and that the Plaintiff have and recover the full amount of its loss, its costs and attorney's fees from the Defendant.

Dated this 7th day of February, 2007.

MALCOLM H. BROWN, P.C.
Attorney for Plaintiff
209 East Broadway Avenue
P.O. Box 2692
Bismarck, ND 58502-2692
Tel. 701-224-8825
Fax. 701-224-8820

By: 
Malcolm H. Brown (ID #02842)



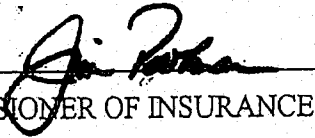
Jim Poolman
Commissioner of Insurance

DEPARTMENT OF INSURANCE
STATE OF NORTH DAKOTA

ADMISSION OF SERVICE

February 12, 2007

Service of the within Summons & Complaint on CUMIS Insurance Society Incorporated, for and on behalf of Dakota West Credit Union, is hereby admitted on February 9, 2007, at my office in the Capitol of Bismarck, North Dakota.


COMMISSIONER OF INSURANCE

BY: 